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OFFICE OF PETITIONS

In re Application of :  
Ronald P. Cocchi et al :  
Application No. 09/783,241 : DECISION GRANTING PETITION  
Filed: February 14, 2001 : UNDER 37 CFR 1.137(f)  
Attorney Docket No. PD-990079 :  
:

This is a decision on the petition filed by facsimile transmission on April 9, 2002, to revive the instant nonprovisional application under the unintentional provisions of 37 CFR 1.137(f).

The petition is granted.

This application became abandoned pursuant to 35 USC 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country, or under a multilateral international agreement, that requires publication of applications 18 months after filing.

A petition under 37 CFR 1.137(f) must be accompanied by: (1) the reply which is met by the notification of such filing in a foreign country or under a multinational treaty;<sup>1</sup> (2) the petition fee as set forth in 37 CFR 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

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<sup>1</sup> The filing of a petition under this section will not relieve applicant of his obligation to reply to any outstanding Office action.

The statement of unintentional delay differs from the statement required by 37 CFR 1.137(b). Nevertheless, the statement presented will be accepted and construed as meaning that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional." If this is not a correct interpretation of the statement, petitioner must promptly notify the Office. The instant petition has otherwise been found in compliance with 37 CFR 1.137(f). Accordingly, the failure to timely notify the Office of a foreign or international filing within 45 days as provided by 35 USC 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

A Corrected Filing Receipt which sets forth the projected publication date of August 15, 2002 accompanies this decision on petition.

Any inquiries concerning this decision may be directed to the undersigned at (703) 305-8680.

This application is being returned to Technology Center Au 2611 for examination in due course.

*Frances Hicks*  
Frances Hicks  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

ATTACHMENT: Corrected Filing Receipt